

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Applicant(s):	Perry A. Cohagan et al.	Docket No.:	60655.7900
Serial No.:	10/708,568	Group Art Unit:	3688
Filed:	March 11, 2004	Examiner:	Raquel Alvarez
Title:	Point Pooling Loyalty System and Method	Confirmation No.:	2567

INFORMATION DISCLOSURE STATEMENT

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and pursuant to 37 C.F.R., §§1.97 and 1.98, Applicants hereby notify the U.S. Patent and Trademark Office of the documents listed on the attached Form PTO/SB/08A. Applicants respectfully submit that all pending claims are patentable over the foregoing references, alone or in combination. Applicants further submit that the submission of the various Office Actions and Notices of Allowance, if any, from related cases is in accordance with Federal Circuit precedent, for example, as set forth in *McKesson Information Solutions v. Bridge Medical*, 82 U.S.P.Q.2nd 1865 (Fed. Cir. 2007), and therefore respectfully request that the Examiner consider these documents. The Examiner is requested to initial the enclosed Form PTO/SB/08A and return a copy thereof to the undersigned.

The items listed on Form PTO/SB/08A EFS-WEB may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicants reserve the right to dispute any of the listed documents as prior art during examination. Further, Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application. Furthermore, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made or that no other material information may exist.

1. [X] For each of the following items listed on the enclosed copy of Form PTO/SB/08A that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed:

In Mexican Application No. PA/a/2005/009378, the 05/09/08 Office Action rejects the application under Article 47, sections I and III of the Mexican Industrial Property Law (IPL) and Articles 28 and 29-IV of Regulations, as being unclear and indefinite for failing to particularly point out and completely describe and claim all technical characteristics of the subject matter which applicant regards as the invention. It is clear from the description that the subject matter of the invention is directed to a business application.

In Mexican Application No. PA/a/2005/009378, the 10/03/08 Office Action continues to reject the application under Article 47, section I of the Industrial Property Law (IPL) and Articles 28 and 29-IV of Regulations, as being unclear and indefinite for failing to particularly point out and completely describe all technical characteristics of the subject matter which applicant regards as the invention. Elements recited in said specification and claims make reference to the features to a business method and computer programs.

In Mexican Application No. PA/a/2005/009378, the 08/20/09 Office Action continues to reject the application as not permissible under article 19, section IV of the IPL as computer programs are not regarded as inventions. Elements recited in said claims make reference to the features to a computational program.

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2. [X] Any copy of the items listed on the enclosed copy of Form PTO/SB/08A EFS-WEB that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in the prior related applications under 37 C.F.R. §1.97:

U.S. Serial No. 10/378,456, filed 03/03/2003.

U.S. Serial No. 10/304,251, filed 11/26/2002.

U.S. Serial No. 10/027,984, filed 12/21/2001.

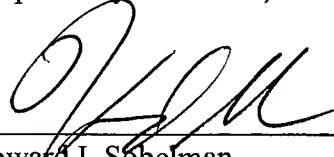
U.S. Serial No. 09/863,213, filed 04/17/2001.

3. ☒ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
- ☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.
 - ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application.
 - ☐ 37 C.F.R. §1.97(b)(3), before the mailing of a first Office action on the merits.
 - ☒ 37 C.F.R. §1.97(b)(4), before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
4. ☐ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 3 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 8 below.
5. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 3 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):
- ☐ A check in the amount of \$180.00 is enclosed in payment of the fee.
 - ☐ Charge the fee to Deposit Account No. 19-2814.
6. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 8 below; and
 - b. the fee due under 37 C.F.R. §1.17(p) which is paid as set forth in paragraph 9 below.
7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
- a. ☐ 37 C.F.R. §1.313(c)(1), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable

and is accompanied by the attached Petition To Withdraw Application From Issue;

- b. ☐ 37 C.F.R. §1.313(c)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue.
- c. ☐ The fee due under 37 C.F.R. §1.17(p) is paid as set forth in paragraph 9 below.
8. ☐ I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- ☐ I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
9. ☐ A check in the amount of \$180.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(p).
- ☐ Charge the fee due under 37 C.F.R. §1.17(p) to Deposit Account No. 19-2814.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 19-2814.

Respectfully submitted,



Howard I. Sobelman
Reg. No. 39,038

Dated: November 9, 2010

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